

REMARKS

Claim 8 has been amended to recite "pruritus associated with renal insufficiency or failure and of pruritus forms that are not connected with primary organic affections" and that "nicotinic acid or nicotinamide and said riboflavin are administered in a ratio by weight of from about 40:1 to 10:1 (nicotinic acid or nicotinamide : riboflavin)." Support for these amendments is found in the specification at, for example, page 2, line 19 - page 3, line 1; page 3, lines 16-31; page 12, lines 15-27; in the examples on page 14, line 19 - page 23, line 20; and in original claims 8, 9, 13-14 and 20. See, *In re Gardner*, 177 USPQ 396, 397 (CCPA 1973) and MPEP §§ 608.01(o) and (l).

Claims 9 and 31 have been canceled without prejudice.

Claims 32-34 have been added. Support for these claims is found in the specification at, for example, page 12, line 15 - page 21a, line 3 and in original claims 13-15 and 20-21. See *id.*

It is submitted that no new matter has been introduced by the foregoing amendments. Approval and entry of the amendments is respectfully solicited.

Objection

Claims 8-10, 25-28, and 31 were objected to for containing an "informality." (Paper No. 20050516 at 3.) The Examiner asserted that "the term 'pruritis' is not [used] consistently [] wherein 'pruritis' in claim 8 is written 'pruritus' in claims 9-10." (*Id.*) The Examiner suggested that "it would be better if the claims have consistent terminology to avoid any unpredicted confusion." As noted above, claim 8

has been amended to recite "pruritus" and claim 9 has been canceled. The pending claims consistently recite "pruritus," as suggested by the Examiner. Accordingly, the objection has been rendered moot and should be withdrawn.

Rejection Under 35 USC § 112, First Paragraph

Claims 8-10, 25-28, and 31 were rejected under 35 USC § 112, first paragraph. In making the rejection, the Examiner asserted that "the specification, while being enabling for treating or preventing pruritis from reoccurrence or specific pruritis (e.g. pruritis associated with renal insufficiency such as vulvar pruriti), does not reasonably provide enablement for complete prevention of pruritis." (Paper No. 20050516 at 3.)

As noted above, in a telephonic interview with the undersigned on May 12, 2005, the Examiner suggested claim amendments to place the claims in condition for allowance. As suggested, claim 8 has been amended to incorporate the limitations of claim 9 and to incorporate the ratio of nicotinic acid or nicotinamide and riboflavin found in claim 26 and claims 9 and 31 have been canceled without prejudice.

Accordingly, as agreed in the interview, the rejection has been rendered moot and the claims are now in condition for allowance.

Application No.: 10/009,225
Amendment Dated: August 19, 2005
Reply to Office Action Dated: May 23, 2005

For the reasons set forth above, entry of the amendments, withdrawal of the objection and rejection, and allowance of the claims are respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 19, 2005.


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Respectfully submitted,

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